

SUPREME COURT OF ARIZONA

In the Matter of ) Arizona Supreme Court  
 ) No. R-13-0009  
PETITION TO AMEND RULE 32.5, )  
ARIZONA RULES OF CRIMINAL )  
PROCEDURE )  
 )  
 )  
 )  
 )  
 ) **FILED 09/05/2013**

**AMENDED ORDER  
REOPENING PETITION FOR COMMENT**

A petition having been filed proposing to amend Rule 32.5, Arizona Rules of Criminal Procedure, and comments having been received, upon consideration,

IT IS ORDERED that this matter be reopened for comment on the attached draft amendment to Rule 32.5 and Form 25. Comments shall be due October 25, 2013.

DATED this            day of **September**, 2013.

REBECCA WHITE BERCH  
Chief Justice

TO:  
Rule 28 Distribution  
John A Furlong  
David J Euchner, Pima County Public Defender's Office  
Mary E Osorio  
Camille Tilley

**ATTACHMENT\***  
**DRAFT AMENDMENT**

**RULES OF CRIMINAL PROCEDURE**

**Rule 32.5. Contents of petition**

~~The defendant shall include every ground known to him or her for vacating, reducing, correcting or otherwise changing all judgments or sentences imposed upon him or her, and certify that he or she has done so. Facts within the defendant's personal knowledge shall be noted separately from other allegations of fact. The petition shall be accompanied by a declaration by the defendant stating under penalty of perjury that the information contained is true to the best of the defendant's knowledge and belief. Facts within the defendant's personal knowledge shall be noted separately from other allegations of fact. Affidavits, records, or other evidence currently available to the defendant supporting the allegations of the petition shall be attached to it. Legal and record citations and memoranda of points and authorities are required. In Rule 32 of-right and non-capital cases, the petition shall not exceed 25 pages. The response shall not exceed 25 pages, and any reply shall not exceed 10 pages. In capital cases, the petition shall not exceed 40 pages. The response shall not exceed 40 pages, and any reply shall not exceed 20 pages. A petition which fails to comply with this rule shall be returned by the court to the defendant for revision with an order specifying how the petition fails to comply with the rule. A petition that has been revised to comply with the rule shall be returned by the defendant for refiling within 30 days after defendant's receipt of the non-complying petition. If the petition is not so returned, the court shall dismiss the proceedings with prejudice. The period for response by the state shall begin on the date a returned petition is refiled.~~

**Rule 41. Forms**

\* \* \*

**Form 25. Petition for Post-Conviction Relief**

[No change in contents of form up to certification.]

~~I certify that this petition includes all the claims and grounds for post-conviction relief that are known to me, that I understand that no further petitions concerning this conviction may be filed on any ground of which I am aware but do not raise at this time, and I declare under~~

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\* Additions to text are indicated by underscoring and deletions by ~~strikeouts~~.

penalty of perjury that the information contained in this form and in any attachments is true to the best of my knowledge or belief.

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Date

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Defendant